

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SERVER TECHNOLOGY, INC., a Nevada corporation,)
Plaintiff and Counterdefendant,)
v.)
AMERICAN POWER CONVERSION)
CORPORATION, a Massachusetts corporation,)
Defendant and Counterclaimant)
)
3:06-CV-00698-LRH-VPC
ORDER

Before the court is plaintiff and counter-defendant Server Technology, Inc.’s (“STI”) motion to seal certain exhibits attached in support of its reply to its motion for summary judgment. Doc. #358.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations omitted).

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1 Here, in this patent infringement action, the court has entered a protective order governing
2 documentation and testimony that is confidential to the parties' internal research and development. The
3 court has reviewed the documents and pleadings on file in this matter and finds that the various exhibits
4 contain information that is designated "Confidential" and "Highly Confidential" under the protective order.
5 Therefore, the court finds that STI has satisfied its burden to show compelling reasons for filing the
6 various exhibits and documents under seal.

IT IS THEREFORE ORDERED that plaintiff/counter-defendant's motion to seal certain exhibits attached in support of its reply to its motion for summary judgment (Doc. #358) is GRANTED.

10 || IT IS SO ORDERED.

11 DATED this 16th day of October, 2012.

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**